

**PENNINGTON BOROUGH
PLANNING BOARD MEETING MINUTES
APRIL 13, 2016**

Mr. Thompson called the meeting to order at 7:30 p.m. and announced that it was in compliance with the provisions of the Open Public Meetings Act.

Roll Call: Deborah Gnatt, Eileen Heinzl, Joshua Levy, William B. Meytrott, Thomas Ogren, Katherine O'Neill, James Reilly, Douglas Schotland, Winn Thompson. Absent: Mark Blackwell.
Also Present: Edwin W. Schmierer, Mason, Griffin & Pierson, Attorney
Carmela Roberts, Roberts Engineering Group, LLC, Borough Engineer
Michael Bolan, Borough Planner
Norman Nelson, Van Note Harvey, Borough Water and Sewer Engineer
Mary W. Mistretta, Planning Board Secretary, John Flemming, Zoning Officer (left 8:00 p.m.)

OPEN TIME FOR PUBLIC ADDRESS - None

ZONING OFFICER'S REPORT

Mr. Flemming stated that he had three items that he wanted to run by the Board for their approval. The first one was regarding a clock that Howe Commons, 65 S. Main Street, would like to place in their front yard area. Mr. Flemming stated that it was an old, large, decorative clock on a pole. He does not see any zoning violations and it is not something that is expanding the use of the building. The Board agreed that this would be appropriate.

Mr. Flemming stated that Mr. Bua, owner of Pennington Square, Route 1 & Broemel Place, brought in a plan showing parking spaces that are available for the center. Mr. Flemming spoke to Mr. Bolan and they feel that there is adequate parking for a restaurant to move into the space previously occupied by the flower shop. Mr. Bua's attorney had previously discussed making cosmetic changes to the center with Mr. Schmierer and they determined that under the present ordinance he does not need site plan approval.

Mr. Flemming stated the frame shop, 41-43 S. Main Street, is being sold and he feels that the use is almost compatible with the zone. It is a nonprofit and service operation that would be run out of the store. They deal with scholarships for underprivileged children, but their main focus would be to have meetings with the donors and Mr. Flemming feels that it would be more active than a typical office type use. Mr. Flemming stated that the apartment on the second floor would remain and there are no exterior changes proposed. Mr. Reilly stated that the zoning is retail and residential and Mr. Ogren felt that the use would be more compatible with the proposed zoning change that the Board was going to make than with the existing and if the Board considered it they should go ahead with the zoning change. Mr. Flemming asked if he could let the buyer know that it is acceptable and the Board is working on a change. Mr. Reilly agreed with Mr. Ogren and suggested that it would need a use variance otherwise. Mr. Schmierer stated that Mr. Flemming could issue a temporary zoning permit, since the Board was moving in the direction to change the ordinance. Mr. Thompson noted that the prior owner did not want the zoning change and Mr. Flemming should obtain a letter from the new owner that they are agreeable to the change.

APPLICATIONS

J & M Schragger, LLC, 212 S. Main Street, Block 703, Lot 14, R-80 Zone, Historic District, Application No. P16-001. John Schragger, representing J & M Schragger, LLC, applicant, requested to be carried to the May 11, 2016 meeting since most likely there would not be sufficient time to be heard at this meeting. Mr. Schmierer announced the proof of publication and proof of notice were in order for this application and the Board could take jurisdiction. The Board voted unanimously by voice vote to carry the hearing to the May 11th meeting. No further noticing will be required.

American Properties at Pennington, LLC, 105 West Franklin Avenue, Block 102, Lot 1, MR Zone. Preliminary/Final Major Subdivision & Site Plan, Variances, Application No. P15-009.

Present: Randy Csik, President, American Properties

Frank Petrino, Eckardt Seamans, Attorney for the applicant.

Alfred R. Coco, PE & LS, Menlo Engineering Associates, Inc., Engineer for the applicant.

Gerard J. Naylis, A.R.M., Technical Fire Services, Inc., 21 South Taylor Street, Bergenfield, NJ

This hearing is continued from previous hearings held on November 12 and December 9, 2015. Mr. Meytrott recused himself and stepped down as he has a conflict of interest. Mr. Petrino stated that to the extent that they have been able, he feels that they have resolved most of the open issues. The two issues that would be primarily discussed tonight would be stormwater and fire protection issues. Mr. Petrino reviewed the meetings and reviews that have taken place since the last hearing. The engineer has met with the Borough Engineer to review the drainage and grading redesign and they submitted revised plans to the Borough Engineer on February 25th. They have also had a preliminary meeting with the Delaware & Raritan Canal Commission and met with representatives and Borough officials to discuss providing fire sprinklers for all of the buildings. They have had a meeting with the Stony Brook Millstone Watershed Association with representatives from Pennington Point and the Environmental Commission. Mr. Petrino stated that they have had a telephone conference with Ms. Roberts regarding issues in her latest review memo and had a telephone conference today regarding Mr. Nelson's memo and he feels that they accomplished a lot. Mr. Petrino stated that all of the issues in the February 8th memo from the Environmental Commission have been resolved. They have approval from Mercer County regarding the stormwater system and still need permits from D&R Canal Commission and NJDEP and both of them will be reviewing the stormwater design. Conceptual plans still have to be submitted to the fire official regarding the sprinkler system and Mr. Naylis will explain the system this evening.

Fred Coco, Menlo Engineering Associates, explained that the applicant was seeking one bulk variance for a side yard setback requirement of 50 ft. where a 33 ft. side yard setback was being requested for Building 13. Entered into evidence was Exhibit A-19 Heritage at Pennington, Colored rendering of revised site plan (shows Building 13 in original position as shown on most recent site plan, but with some changes to plan) 2-10-2016. Mr. Coco explained the exhibit stating that the front of Building 13 is facing a curved area in the roadway. They felt that this arrangement was better internally and only a small triangular area of the building would be within the setback area. It is about 5-10% of the whole building. Mr. Coco stated that the Board had asked if there was an alternative to eliminate the need of a variance and they have an alternate plan for Building 13, entered into evidence was Exhibit A-20, Heritage of Pennington, Alternate layout of Building 13, 2-10-2016. Mr. Coco pointed out that they have taken the building and rotated it and moved it slightly down which would have a conforming setback and no longer need the variance. The building now faces the side of the nearby building and more of the mass of the building faces the rear yard of the Pennington Point building. On the original plan the only a small portion of the building is near the neighbors' building on Pennington Point. They feel that the original layout is a much better design and would like to request the variance, but it is up to the Board. Mr. Levy asked if the reconfiguration would affect the wetlands and Mr. Coco stated that it would not have any effect.

Mr. Coco described the changes that have been made to the original plan. There were concerns about the dead ends between Buildings 3 and 19. They have extended a one-way driveway from the end of both buildings out to Knowles and West Franklin Avenue and they are exit only driveways to remove the dead end issue. The second change was made to the subdivision plan and changes were made to some of the rear yard setbacks so that the subdivision plan is now conforming. They have also shown the widening of the sidewalk as 4.5 ft. wide along W. Franklin and Knowles Street.

The grading and drainage plan has been revised to include a series of drainage swales and ditches through the back areas to go through grass swales and will slow down the runoff and allow some water quality treatment before the stormwater is introduced into the basin and is considered a best

management practice. They have done some changes to address the drainage calculations based on a review memo from Ms. Roberts and have also done additional soil testing throughout the site at the Borough Engineer's request and have found that there is one area where there is an acceptable infiltration rate and this allowed them to install an underground infiltration system. They have also eliminated runoff from paved areas and only the roof runoff will go into the infiltration basin which is a more acceptable way to treat it. Mr. Coco stated that they analyzed some of the downstream drainage system and surveyed the culvert crossing under Knowles and the railroad and did calculations based on existing and proposed conditions. The calculations show that the basin they are installing will slow down the flow from the site and there will be a significant reduction in the peak flow. Mr. Coco stated that there are additional comments for clarification from Ms. Roberts that they must still address.

Mr. Coco stated that they have met with the Stony Brook Millstone Watershed Association and discussed the stormwater management system on the site. Mr. Coco stated that they had originally proposed a concrete channel from the outlet to the outlet control structure. The Watershed and Mr. Coco believes the Environmental Commission suggested that a better solution would be to make that into a rip-rap or more of a natural ditch and swale area and they have agreed to do that. It would be a stone channel that would meander from the two outlets to the outlet structure. There would be a flat area near it and they would put in some wet tolerant vegetation to provide additional filtering for the water prior to the outlet control structure. After the control structure, there is a slow water control device that further treats the water before it is discharged.

Mr. Coco stated that they have reviewed the evergreen area by Route 31 and they have put additional planting material in that area. The sidewalks on the perimeter will be 4 ½ ft. wide and the internal sidewalks of the development will be 4 ft. wide. Mr. Thompson asked how the landscaping would be handled with the two phases. Mr. Coco pointed out the line separating the phases and they have a landscaping plan for each phase. The landscaping on phase one would be completed, but it is still uncertain what other landscaping could be completed since piping will still have to be done for the second phase. Bonding for the project will be done separately for each phase. Mr. Reilly asked if there was still a dead end situation by Building 15 and Mr. Coco responded that there was just a short stem for the one building and a fire truck could get there and the Public Works Superintendent has worked out a plan for the trash. Mr. Ogren had concern about a large number of Sugar Maples proposed along Route 31 and thought the area might be better suited with a different cultivar such as Green Mountain. Mr. Petrino stated that he would look in to it with their landscape architect. Mr. Ogren asked about the changes to the curbing and the sidewalks. Mr. Coco explained the right-of-way and stated that the plan shows that the sidewalk on W. Franklin would be extended up to Route 31. Mr. Schotland asked if they had any elevations showing the buildings from Knowles Street. He felt that the buildings could better address the street and the town. Mr. Coco stated that the side of the building had an entrance door and windows and looked more like the front than the side of the building.

Carmela Roberts, the Borough Engineer, reviewed her memorandum of April 8, 2016. She stated that there were variances needed where the fee simple lots encroached into the tract. A design waiver is required for the sidewalks in the interior of the site which are 4 ft. in width. Ms. Roberts asked for clarity regarding the phasing and filing of the maps. Mr. Petrino stated that they have two options to record the maps and they are not certain how they would like to file them. They are looking into how it would affect the homeowner's association and a number of other issues. Ms. Roberts stated that it was very important for the Board to know how the map would be filed. Mr. Petrino stated that they would request preliminary overall approval and the question would be the final approval. Ms. Roberts asked if a portion could be approved that did not yet have sewer availability and how it would be worked out. Mr. Schmierer felt that language making it clear that the approval was only for the section where there were sewer capabilities and it could be worked out to protect the Borough. It was agreed that Mr. Schmierer would review the easements with Ms. Roberts. Mr. Petrino stated that if they did phases they would have to be self-sustaining. He stated that they needed a resolution of approval with conditions before D & R Canal Commission will even grant an approval and the same with the Stony Brook Sewerage

Authority. Ms. Roberts noted that the street names were still outstanding. Ms. Heinzl stated that they have had suggestions for street names.

Ms. Roberts stated that they had concerns about backyards near the detention basin and the applicant has put in retaining walls which have created nice rear yard areas. Ms. Roberts stated that there are still open stormwater issues where she would like to see more information in order to review it for the Borough. Mr. Petrino stated that the NJDEP would also be reviewing the stormwater when they apply for permits. Ms. Roberts would like the applicant to provide additional information on how they did their calculations and maps showing pre development area versus post development area and that there be consistency from one to the other. Ms. Roberts is glad that they are changing the infiltration system basin to accepting only roof runoff and there are DEP requirements concerning this that she would like to discuss. Her concern about the infiltration is that it is generally a very low infiltration site and that there was only one boring that came up at 12 inches per hour. She would like the applicant to check to see if there could be at least one other boring where they could get infiltration to prove that the basin will work as planned. Mr. Petrino will check with the applicant to see if they could get more borings. Ms. Roberts stated that if they came up with no permeability she would prefer to see a smaller basin. Mr. Thompson asked who would be responsible for maintaining the detention basin and Ms. Roberts stated that the homeowner's association would be responsible. Ms. Roberts stated that she has requested the applicant to modify the disconnected grass areas so that they would work at a minimum with the DEP standards and the applicant has agreed to do this. Ms. Roberts stated that the detention basin as requested by the Environmental Commission would not have concrete low flow swales, but will have rip rap which will become wild and it will be similar around the other outlets. There will be more of a natural look to the areas and sometimes people do not like them because there is standing water and mosquitos. Mr. Thompson stated that this type of basin had been done at the TD Bank site.

Ms. Roberts would like the applicant to analyze the site using the NRCS system rather than the rational method. She stated that a request had been made to do an analysis of what happens with the water down to the Lewis Brook and they have only analyzed to the railroad culvert. Ms. Roberts stated that the applicant has indicated that peak runoff would be reduced and this means the rate, there will be more runoff volume from the site regardless of what happens to the rate and downstream there will be more water passing down to Lewis Brook. Ms. Roberts stated that they have met the law by reducing the peak runoff rate, but there will still be more water going downstream. Mr. Coco feels that they used the method under the rules and that it is a very conservative method and they are presenting a very conservative design in terms of projecting what is there today versus tomorrow and how it is routed through the basin. He stated that the second method is a more complicated method and he feels that it is not appropriate for a site this small as it is used for sites that are 20 acres or greater and he does not feel that a downstream analysis is necessary. Ms. Roberts stated that they also have a disagreement about the pre development area versus the post development area and they do not seem to jive from their perspective and it would make the numbers appear better than they actually are. Mr. Roberts reiterated that she felt they should use the NRCS to do the calculations and not use the rational method since that is used for very small sites. Mr. Petrino stated that they are complying with the law and feels that analyzing downstream is unnecessary and will not produce any different design for the stormwater. Ms. Roberts stated that she is not asking them to do more than the law is asking, but she would like it analyzed in a different way so that everyone has the best assurance that it has been done the best that it can be. There was further discussion about the methods used to analyze stormwater. Mr. Thomson asked Mr. Schmierer how he would suggest that this be resolved and he suggested that at this point they move on with the hearing.

Norman Nelson, Borough Water and Sewer Engineer, stated that he was asked to comment on the effects of the detention basin on Well #8. He had submitted a recommendation for manufactured treatment devices before the water goes in to the basin. There were additional suggestions that have been addressed, but the runoff from the roadways will ultimately go into the basin and this would have an impact on the well and is noted in his report. He feels that it would be a best business practice to have the manufactured devices before the water gets into the basin. Mr. Petrino stated that they have a

water quality control structure after the detention basin to polish the water before it is deposited downstream. The soils in the detention basin show permeability rates of less than .2 inches per hour which is essentially impervious and the stormwater will now be going through grass swales before they get to the detention basin so there is a water quality improvement before they get to the basin and he does not see the benefit of putting in another large expensive water quality control structure before it goes into the basin to get treated again. Mr. Nelson stated that he consulted with his expert and the grass will help with the reduction, but it is not close to the manufactured treatment device. Ms. Roberts agreed since it is near the well head. Mr. Petrino added that they have done 20 tests and 19 of them showed that there was no recharge going in the ground and the bottom of the basin is concrete. Mr. Nelson stated that Well # 8 currently has DOT treatment because of the water that goes into the aquifer and this would be a further concentration on it. It was noted that Mr. Nelson was sworn in at the last hearing. Mr. Petrino described the device that they are putting in and felt that the one Mr. Nelson was recommending was very expensive and unnecessary. Mr. Levy asked if the structure that Mr. Nelson was recommending could be put in post construction and Mr. Coco stated that it could be designed so that it would be adaptable for an installation. Mr. Nelson stated that the contaminants take a long time before they actually get to the aquifer and he noted that the well had to be taken out of service approximately five years ago because of contamination. There was discussion regarding the source of contamination and Mr. Petrino stated that the contaminants were more related to an industrial or commercial use than residential construction. Ms. Heinzl stated that this was another issue where an impasse has been reached and she felt that it was a difficult place to be in since she was not an engineer to decide an issue like this, but she would defer to the Borough experts. Ms. Roberts referred to Mr. Nelson's letter of January 4th quoting DEP's ratings for contaminants in Well #8 and it is very susceptible. She feels it is better to be cautious as there are things that are known now that were not known before.

Gerard J. Naylis, A.R.M., Technical Fire Services, Inc. was sworn in. Mr. Naylis stated that his field was in fire protection and fire safety and gave his qualifications. Mr. Naylis stated that he was asked to look at the project and identify the best way to provide adequate fire protection given the constraints that currently exist. The water system at best can deliver 1,500 gallons a minute for the duration of approximately one hour which is a total of 90,000 gallons of water and Mr. Nelson considers this level the break point. Mr. Naylis further described the technicalities and water usage of the sprinkler system. He stated that a nonsprinkled building requires a greater amount of water to put a fire out than a building with a sprinkler. Mr. Naylis explained that there is a specific standard called NFPA 13-R. This standard calls for a design area of four sprinklers. The code requirements would require four sprinklers or 100 gallons a minute. Sprinklers knock down and contain the fire, but do not put it out entirely. The fire company must come in and do a "mop up operation" on the hot pockets that may remain. In a building without sprinklers the water demand would be 1,500 gallons a minute for a period of two hours. In a building with sprinklers the requirement would be approximately 100 gallons a minute plus a hose stream allowance of another 100 gallons a minute for a total of 200 gallons. The standard says the duration you have to calculate for is 30 minutes. There is a need of 180,000 gallons for a building without sprinklers and 6,000 gallons for a building with sprinklers. A lot less water will be used for a fire where there are sprinklers and there is a lot less water and smoke damage. Mr. Naylis described the installation of piping for the system where backflow preventers would have to be installed and maintenance and testing of the system would be required. Mr. Naylis feels that sprinklers would be a superior way to provide a higher degree of fire protection for the development. Mr. Petrino stated that they would be assisting the Borough by using this system as it will help reduce the amount of flow.

Mr. Naylis stated that the design meets the criteria contained in the Borough Ordinance. Mr. Naylis also stated that they have to prove to the Fire Official that the system will work as ultimately they will need the Fire Official's approval that it is adequate for fire protection. Based on his discussions with Mr. Nelson, the Borough has adequate water to supply the sprinkler system. If they ran for the full 30 minutes which they probably would not, the maximum impact would be about 6,000 gallons a minute. It would probably be less since the 4 sprinklers would not be activated for a full 30 minutes. There would also be a water flow alarm hooked-up and once they were activated an alarm signal would be

transmitted to a monitoring point who would call the fire department. Mr. Naylis indicated that on site storage would not be needed if they were providing a sprinkler system. Mr. Thompson asked Mr. Nelson if he agreed with the usage numbers that Mr. Naylis was using if they go with the sprinkler system. Mr. Nelson stated that the numbers Mr. Naylis used for treating the building has to be calculated and confirmed by the Fire Official, Andrew Fostino. Mr. Nelson stated that his responsibility is to determine if the Borough distribution system can properly deliver 1,500 and it is sized to deliver that, but we do not have the adequate quantity of water in the storage tank to deliver that quantity of water for two hours. They would still need to know the amount of fire flow from the hydrants in case the system failed. This amount could be drawn from the tank, but it would be causing pressures in the system that would cause it to be in violation of the Safe Drinking Water Act.

Mr. Naylis stated that at a meeting on March 8th with the fire officials they agreed to have a fire department connection for the sprinkler system that will be on each building which could also be used if the sprinkler system did not work. Mr. Naylis stated that he will submit the needed plan and calculations to the Fire Official for his review and approval. Mr. Nelson wanted to clarify that earlier in the presentation it was mentioned that the water diversion was being affected and he explained that at the time the Ordinance was put together it was because there were one or two wells out of service and there were extreme conservation methods put into place and the diversion has nothing to do with fire protection. The fire protection is coming from the water storage tank and is on reserve all the time for fire protection. The water diversion is the allocation of water you are allowed to draw from the ground per day, per month, per year. There is a specified number for each of the five wells in the Borough.

Mr. Thompson asked if there was anyone in the public who had questions or comments.

Mark Godfrey, Park Avenue, stated that he was representing himself as a resident of Park Avenue and was not an attorney, professional planner or licensed engineer. He stated that he has over 22 years professional experience reviewing land use applications. Mr. Godfrey read a nine page document regarding concerns and supplementing comments that he made previously. He had concerns regarding: negative impacts to the Pennington environment and feels that the proposed design disrespects Pennington's drinking water, wetlands, and wildlife. Mr. Godfrey addressed his concerns about water availability and the amount of water that will be depleted since water availability has not been adequately addressed for the proposed project. He addressed well head protection and stormwater management and impacts the development would have on the wetlands. Mr. Godfrey also felt that the proposed evergreen plantings are grossly insufficient. Mr. Petrino, the applicant's attorney, responded to several of Mr. Godfrey's comments. Mr. Godfrey submitted a copy of his statements and it is available in the Borough Office.

Terry Evanko, 140 Woolsey Court, President of the Pennington Point Condominium Association, stated that they appreciate the changes the applicant has made, but do not feel that they are enough. Ms. Evanko presented a letter dated April 13th with requests that they would like to make if the application is approved. The requests included trees and shrubs planted along the length of the Pennington Point side of the border line that were the same density and variety as those proposed along the Route 31 buffer. The fire hydrants in Pennington Point are connected to one water meter and Pennington Point is responsible for any water that runs through them. They are requesting to be reimbursed by Heritage of Pennington for any water used as a result of fire or any other emergency used to protect Heritage at Pennington. They are also requesting that if any of their buildings or cars are adversely affected by dirt because of construction Heritage at Pennington would have them power washed.

Diana Deane, 15 Railroad Place, was sworn in. Ms. Deane stated that she had concerns about the safety of the children and the closeness of the railroad tracks. She stated that this Spring track teams from both the prep school and the high school ran around the neighborhood and on the railroad tracks and she feels that the railroad is a hazard that should be addressed.

Veronica O'Connor, 124 Woolsey Court, was sworn in. Ms. O'Connor had concerns regarding traffic safety and addressed the traffic count in the Traffic Impact Study dated September 23, 2015, Langan Engineering and Environmental Services, Inc. She feels that the summary in the impact study is very optimistic and presents the traffic situation far less troubling in terms of what currently exists. The traffic study based the traffic volumes on observations made on only one day in each of the last two years and she does not feel that this gives a reasonable sample of the traffic. Mr. Thompson responded that the person who testified was a member of the Institute of Traffic Engineers and was a Licensed Engineer and he had testified that he used what was the standard that they use to generate these studies. Ms. O'Connor stated that she has concerns regarding the students going to school and stated that the Cambridge School and The Pennington School were not even mentioned in the study and why wasn't the study done at the times of dismissal. Mr. Thompson responded that the high school is across the highway and that is probably why they were not included and the Cambridge School dismissal time would have come within the time of the count. Ms. O'Connor also mentioned the backup on Green Street together with parking on the whole side of the street and playing fields on the other side makes it a very dangerous situation and she had concerns about residents making left turns out on to Route 31.

Nigel Jamieson, Pennington Point, was sworn in at the last hearing. Mr. Jamieson stated that the traffic study suggest that 80 units will add only 43-50 additional cars at peak commuting hours and that this is less than 25% of the 260 resident parking spaces proposed and he does not feel that the calculations make any sense. Mr. Petrino stated that at least 50 spaces have to be provided for visitors parking and they would not normally be there during peak hours. Ms. Roberts stated that they had also looked at NJDOT's own records.

Marjorie Moore, Pennington Point, asked how much they would be asking for the units. Mr. Csik responded that the town houses would be approximately \$400,000 and the villas would be priced higher.

Hazel Jamieson, Pennington Point, was sworn in. Ms. Jamieson asked if they knew the time line for construction and what would be the time lag between phases and hours of construction. Mr. Petrino stated that they would still have to obtain various approvals and that would probably take about 6-9 months before the start of construction. They would have to follow the construction hours in the Borough Ordinance.

Edward DiFiglia, Stony Brook Millstone Watershed Association, 31 Titus Mill Road, was sworn in. Mr. DiFiglia stated that they had concerns about stormwater and the well pollution issue. He stated that he would defer to the Borough Engineers regarding them, but wanted to stress two points. They strongly support the nonstructural stormwater management features that have been incorporated into the last submitted plan, especially the grass swales and the bio detention basin. He understands that some of the comments state that it is not perfect and they agree, but it is better than it going into a drain and being piped. There are pros and cons with the bio detention basin as with any kind of stormwater management system, but they believe that the pros are that the vegetation will absorb a lot of the pollutants and hold more water, prevents runoff and would outweigh the cons and they would strongly support the detention basin being developed as a bio detention basin. It would need proper maintenance to work properly and if it does it should also be taking care of a lot of the pollution issues that would be affecting the well. Mr. DiFiglia stated that they have also looked at the culvert under the railroad tracks and they agree that the culvert should be maintained properly whether the project goes ahead or not. He stated that they have also looked at the Pennington Point detention basin and suggested that they retrofit their basin in the future.

Evann Gleeson, 68 Woolsey Court, was sworn in. Ms. Gleeson asked what the difference was between conditional and final approval. Mr. Thompson explained that conditional approval was an approval with conditions and with final approval the conditions have all been met. Mr. Schmierer explained that if there are some technical issues still open that the Board feels could be worked out with the professional staff they can get approval with condition that they would be worked out. He explained that

it would be unusual for a project this size not to have technical issues unresolved. If the Board was overall satisfied that the conditions could be worked out they could give approval subject to addressing the outstanding issues. Ms. Gleeson asked what would happen if the conditions are not met. Mr. Schmierer stated that the approval would be voided if the conditions are not met. Ms. Gleeson also asked if the approval would be for both phase one and two. Mr. Schmierer stated that the applicant may just get preliminary approval for both phases and may have to come back for final approval for phase two, but the phase that has sewer capacity could receive preliminary and final approval. They could then come back for final when they get sewer capacity for phase two.

Carole Allison, 48 Woolsey Court, was sworn in. Ms. Allison asked if the drainage and landscaping would be done with the first phase and how would the roads be constructed. Mr. Thompson stated that the overall intent of the plan is to have the first phase totally independent. Mr. Csik stated that this was a good question and stated that the drainage procedure would have to be addressed with Ms. Roberts. He did not feel that the buffering along Route 31 would be done with Phase 1. Ms. Allison suggested that it would be nice have the buffering done at that time so that it would be mature for the residents of the second phase.

Jerlyn Brackett, 21 Woolsey Court, was sworn in. Ms. Brackett asked who the builder would be for the property and would it be the same builder that built the Madison and Jefferson on Scotch Road. Ms. Brackett stated that she lived at the Madison and it was very nice, but she did have problems with the construction in her unit. Mr. Csik responded that the builder was American Properties, but they will have different contractors.

Ann Demski, 62 Woolsey Court was sworn in. Ms. Demski stated that she bought an end unit where it is quiet and peaceful and she sees the deer run through. She stated that she cannot fathom the enormity of the development. She lives right on the border facing Route 31 and there will be a building right where she exits her door to her patio. She asked if this building could be positioned where she would have some privacy. Mr. Thompson stated that she would only be looking at the corner of the building and it would not be facing her residence. Ms. Demski stated that she will be very close to the development and asked if they would clean up if it gets very dusty. Mr. Thompson stated that this would be taken care of. Ms. Demski asked what the buffer area would consist of and Mr. Thompson explained that it would be a combination of trees and plantings. Ms. O'Neill asked Mr. Coco to point out the end of Building 13 and Ms. Demski's unit to show the part of the building that she might see from her patio.

Geraldine Maul, 14 W. Franklin Avenue, had been sworn in at the last hearing. Ms. Maul asked about the proposed playground which is on the corner and asked if they would consider moving the playground area inward since it was right across the street from the railroad tracks. She also asked who would be paying for the installation of the sewers in phase two and Mr. Thompson responded that the developer would be paying for them and the pipes would be put in at the time phase one was built.

Theresa Goeke, 116 Woolsey Court, was sworn in at the last hearing. Ms. Goeke asked if the units could also be rented. Mr. Petrino stated that it would depend on how they were set up and if there was no market for sales some of them might end up being rented.

Ms. O'Connor asked about the phasing of the project and Mr. Petrino stated that the building of the second phase would be determined by sewer availability.

There being no further comments, Mr. Thompson closed the public portion of the meeting.

Mr. Petrino stated that they were asking for approvals subject to the conditions discussed which they would try to work out. They would like the ability to come back to the Board if there was some issue regarding them. The approval would be subject to the fire official's approval and stormwater issues with Ms. Roberts. Mr. Schmierer stated that they would still have to define the phasing and asked if they

wanted bifurcated approval. Mr. Petrino stated that they would like preliminary approval for the whole development and final for phase 1.

Mr. Schmierer noted that there was still a question regarding further study downstream using the NRCS system as opposed to the rational system and the professionals would have to come to a solution regarding this. There is also the issue of the protection for Well 8 and Mr. Nelson's recommendation for the manufactured treatment devices before the water goes into the detention basin.

Ms. Heinzl stated that there was an ordinance and asked if the sprinkler system would meet the intent of the ordinance and if not how it should be handled. Mr. Petrino stated that it meets the intent, but not to the letter and they had discussed requesting a design waiver. Mr. Nelson stated that the fire code official still needed to address the fire hydrant issue and he felt that he should be part of the discussions so that the Board would have a complete finding. Mr. Schmierer stated that they would have to get together with the fire official to work out the final details to see if the intent of the ordinance is satisfied and if they needed a design waiver which the Board could grant.

Mr. Schmierer stated that the Board should also provide direction regarding the Pennington Point request. Mr. Csik stated that they have shown on the plan that the landscaping along the border of Pennington Point has been replenished on the American Properties side, but they will not do plantings on the Pennington Point property. Mr. Schmierer stated that there could be a condition that the professionals will check to make sure that there is adequate buffering along the border. The applicant is willing to power wash the buildings if it becomes necessary in the middle or at the end of the construction.

Mr. Levy asked about the condition of the culvert under the tracks and Mr. Schmierer stated that the Borough would have to follow-up with the railroad company. Ms. Heinzl stated that she would write them a letter.

Ms. Heinzl asked if Mr. Bolan's comments would be conditioned. Mr. Schmierer stated that the applicant had agreed to them and also to the comments in Ms. Roberts memorandum. Mr. Schmierer stated that this would all be included in the resolution. Ms. Roberts was asked about Mr. Godfrey's statement and she stated that a lot of his concerns overlapped her concerns and the Environmental Commission and noted that they could not address the wildlife issues.

The Board discussed the revised orientation of Building 13 and they felt that the original orientation needing a variance looked much better and fit into the curve of the driveway much better.

Mr. Thompson asked the Board members if they were comfortable with the conditions to approve the application. Mr. Bolan was asked to summarize his conditions. Mr. Bolan stated that several of them have to do with the homeowner's association document, the timing of the replacement of the sidewalks, the documents have to address the minimum number of bedrooms as the loft area could easily be converted into a fourth bedroom, fence detail must be revised, flood lighting on the sign is still shown on the plan and it is not permitted by ordinance, affirmative marketing plan for the affordable units must be addressed.

Ms. Heinzl noted that the roads would be private and the applicant has met with Public Works regarding garbage service. Snow removal will be addressed in the homeowner's association documents.

Mr. Thompson polled the Board for their opinions. The majority of the Board agreed that they could approve the application with conditions, but felt that there were very technical issues that the professional staff and applicant had not agreed on and they were not comfortable voting for preliminary approval with those issues hanging.

Mr. Csik stated that it would take time for the engineers to do the soil work that Ms. Roberts had requested and asked if the hearing could be continued to the June 8, 2016 Planning Board meeting. Mr. Reilly made a motion, seconded by Ms. O'Neill to continue the application to June 8th and the Board unanimously agreed. Mr. Petrino asked if a draft resolution could be provided for the next meeting and Mr. Thompson agreed and felt it would be important. The hearing ended at 11:35 p.m.

Mr. Thompson announced that Mr. Ogren called for a vote to continue the meeting. It was after 11:00 p.m. and according to its Bylaws the Board must vote to continue the meeting. Mr. Thompson felt that it would only be for an additional 10 minutes. The Board voted in favor to continue the meeting with one member voting no.

WORK SESSION

Dino Spadaccini, owner of Old Mill Square on W. Delaware Avenue, stated that Ben Sandford and architect Gary Mertz were present concerning an addition to Cugino's Restaurant located in Old Mill Square. Mr. Spadaccini stated that it would be Mr. Sandford's application requesting to extend the restaurant by enclosing the existing outdoor eating area that has 48 seats. Sketches of the proposed addition were shown to the Board. Mr. Mertz stated that they would need variances for the front yard and side yard setbacks. Mr. Thompson felt that it dressed up the building and the Board did not have any negative comments regarding the sketches presented, but noted that they would have to look at parking and other issues when an application is submitted.

There being no further business, the meeting was adjourned at 11:50 p.m.

Respectfully submitted,

Mary W. Mistretta
Planning Board Secretary